

## AFTER SMELTER FOR DAMAGES

John Mackey Asks the Court for \$80,000.  
\$72.82 From Highland Boy.

## INJURY TO CROPS ALLEGED

FIRST WEEK OF SHOCKLEY  
TRIAL CLOSES WITHOUT JURY.

John Mackey asks \$80,000 compensatory damages and \$50,000 punitive damages from the Utah Consolidated Mining company and Roscoe H. Channing, Jr., in a complaint filed yesterday in the district court.

The case is another one of those brought by farmers in the valley as a result of injury to families and loss of crops and stock from smelter smoke and fumes. Mackey asks for \$80,000 for damages which he alleges were inflicted by the Highland Boy smelter during the years 1903, 1904 and 1905. He alleges that the smelter has caused damages as follows: Injury to crops, \$12,572; depreciation of value of lands, \$3,000; personal inconvenience, discomfort, annoyance and illness and suffering of himself and family, \$10,000.

Numerous court judgments are cited to support his allegation that the smelter is a destructive nuisance and its operation an unlawful invasion of his rights.

## ILLNESS CAUSES DELAY.

Shockley Case Goes Over Till Tomorrow Morning.

On account of the illness of H. A. Smith, attorney for Shockley, the trial of the Shockley case was at noon yesterday adjourned until 10 o'clock tomorrow morning. Five and one-half days have already been consumed. Eight jurors have been accepted out of 278 names drawn. Fifty-seven names remain in the box for tomorrow. Should they be exhausted without securing the four men needed, as now seems likely, another special venire of seventy-five names will be drawn for Tuesday.

A special venire of seventy-five names was made returnable yesterday. Of these forty men were either excused on voir dire examination or had not been served. Thirty-five of them will be examined as to their qualifications tomorrow.

Mr. Smith's illness is believed to be not serious. He has been troubled with insomnia during the week and was almost exhausted yesterday, but he hopes to be recovered by tomorrow morning.

Shockley, with perhaps one exception, has carefully studied the face and demeanor of each man examined, and has frankly returned the gaze of every juror called. The exception was on Friday afternoon when Walter Capner was being questioned. When Mr. Capner was asked if he worked for the street car company and replied, "Yes, I am a conductor," Shockley at once dropped his head and was not observed to look at the juror again until the latter left the jury box. In general, Shockley has stood the first week of the trial in good shape. He does not appear to be nervous at all, and often confers with his attorney regarding men under examination.

The defense has only four peremptory challenges left. Mr. Smith having exercised his eleventh on Friday, F. C. Lofthouse, district attorney, has used but three of the fifteen allotted to his side.

## Court Notes.

Alfred Richens, a saloonman of Brigham City, Box Elder county, filed a petition of voluntary bankruptcy yesterday in the federal court. His liabilities were set forth at \$6,482.41, and his assets amounted to \$1,805.

Richard S. Horne yesterday asked to be appointed administrator of the estate of his wife, Lizzie E. Horne, who died intestate on July 23, 1904, in Salt Lake City, leaving real estate valued at \$2,000. There are nine heirs.

Judge Morris yesterday made an order fixing the inheritance tax due the state from the estate of the late Daniel Stuart at \$3,332.45. Mr. Stuart died Aug. 21, 1904, leaving property of an appraised value of \$39,840.03. Debts amounting to \$4,234.94 and the statutory exemption of \$10,000 were deducted from the total before the 5 per cent duty the state was computed. The total income tax collected thus far in 1905 amounts to only \$6,485.67. The amount collected in 1905 was \$44,125.44, and 1904 yielded \$39,363.49. The largest individual tax ever received was \$12,965.29, collected last year from the Emerson estate at Logan.

## BEAN'S HOUSE LOOTED.

Thieves Make a Small Haul in Goddard's Residence.

Thieves entered the residence of Willard Bead, 233 Goddard's court, last night and ransacked every room. Neighbors saw the men working in the house, but thought it was a matter of domestic affairs and paid no particular attention to them. When Mr. Bead and his wife returned home about 1 o'clock and found the front door unlocked and everything in the house turned upside down. The police were notified, and the thieves went to the house. He found that the burglars had gained entrance through a window in the rear of the house. After they had gone through all the rooms they turned the night lock on the front door and left. Bead has been taken, but he intends to make an inventory of his household goods and report his losses to the police today.

The ransacking was "identically done in a hurry and in a big way, the work of a couple of meal ticket thieves."

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## THE CHAPERONS COMING SEPT. 29 AND 30.

Scene in Act II of "The Chaperons."

The company that will present Isidore Witmark's comedy opera, "The Chaperons," at the Salt Lake theatre Friday and Saturday nights, Sept. 29 and 30, matinee Saturday, is said to be one of the best singing organizations in America. It is under the auspices of Isidore Witmark, the famous musical publishing family. Mr. Witmark is noted as one of the most lavish and liberal of all the producers in this country. Before "The Chaperons" made its debut, Mr. Witmark laid out the entire season and the entire scheme of the piece, with the result that Joseph Physic, the scenic artist, developed two stage pictures that are marvels of beauty and spent much effort, while the costume sketches, which came from the celebrated poster artist, Archie Gump, and which were faithfully duplicated by Mr. Witmark's wardrobe department, are most stunning examples of the artist's art. But it is in the organization of the company where Mr. Witmark's musical taste shows most plainly. The musical qualification demanded of a member of the company has been voice. Historic ability and personality.

## W. S. McCORMICK HAS A CHANCE

Republicans Turn to Him Instinctively as Their Angel.

WHY THEY LOVE HIM SO

OTHERS MENTIONED IN CASE PRAYERS ARE SPURNED.

In an effort to sell W. S. McCormick another large package of experience, Republican politicians are rolling the name of McCormick and the nomination may together. The reason therefor has not remained hidden from those who have recollections. Mr. McCormick has been paid for by the Republican politicians in the past and they hope to drive at least one more campaign through him.

On his part, Mr. McCormick has permitted the "party loyalty" plea to set him back a stated number of dollars more than once during recent years. His latest setting was last fall, when our Mr. Spry and the select committee were down on Mr. McCormick one pleasant afternoon. They had a message and a deft word with them that, according to the old man right, "Opinions differ as to the extent of the landing, but all agree that there was a sizeable landing."

McCormick was acquitted by his party conscience, received the assurance that the senatorial field was open, and had his portrait placed all over the first page of one of the party organs. Later, Mr. McCormick learned a few things. Among other things he learned that the senatorial race was managed by a close corporation, of which he was not a director. This was not Mr. McCormick's first experience of the kind.

## Smaller Bait This Year.

It begins to look now as if the boys were trying to deprive Mr. McCormick of his customary reward for giving him a few of the degrees in an off year. Heretofore Mr. McCormick has escaped with comparative ease from the damage done in municipal campaigns, but with senatorial seductions in remote prospect and the law requiring a referendum to use the best means at hand, the boys are determined to make the only bait at present available.

There are two reasons why Mr. McCormick should be channeled through which the typhoid germ is conveyed in the drinking water, and it is the duty of citizens generally and especially of the local authorities, to safeguard the water supply. When undisturbed typhoid cases are reported, the water is purified, all wells in the vicinity become at once a menace to those who drink the water. A very large proportion of the typhoid fever, besides other serious maladies occurring in this state, result from the drinking of impure water. In most of the towns this dangerous evil may easily be remedied, as nature has provided close at hand mountain springs and streams of pure water which may be utilized at a minimum cost. Failure to take advantage of this privilege is a reflection upon the intelligence of those in authority and the community which elects them to office. If the citizens of these towns would arouse themselves and make a pure water supply and the public health a solid fact, they would long ago have rid themselves of typhoid fever, and would have secured a more comfortable and increased prosperity secured thereby.

## PARDONS ARE GRANTED

State Board Extends Clemency to a Number of Men Now Serving Time in Penitentiary.

At the regular meeting of the state board of pardons yesterday, Gifford R. Averett, serving a sentence of two and one-half years for assault with a deadly weapon, and James Imlay, serving the same length of sentence upon conviction of adultery, were granted paroles. James Weathers, serving six months for burglary; Frank Edgington, serving two and one-half years for burglary, and Samuel Richards, serving two years for burglary, all were denied paroles. John T. Carson, serving eighteen months for forgery, and Frank DeGraw, serving three months in the Utah county jail for the same offense, were granted paroles. Charles A. Larsen, sentenced to fifteen years for assault in 1897, had his sentence commuted and was set at liberty Thursday. Harry Wright had his "good time" restored.

## ADDITIONAL SOCIETY.

The Ladies' Aid society of the First Baptist church met on Thursday, Sept. 14, with Mrs. T. J. Nippel. The afternoon was pleasantly spent. A goodly number were present and many prayers were made for the coming month. Refreshments were served. The hostess was assisted by Mrs. E. J. Robinson.

## Out for the Smaller Jobs.

Calvin S. Buckwater, deputy county clerk, member of the city committee, and all-around active Republican youth, is on many tongues when the nomination for recorder is discussed. Charles H. Bessert, former city councilman, has "friends" who are slipping in a word for him now and then in the same connection, while J. C. Bartholomew, city engineer's office, is also mentioned. For treasurer many Republicans pick Fred Bessert of the county treasurer's office, a quiet, genial person, whose friends work hard for him. "Regular" Third ward is also on the list.

W. R. Hutchinson of the Fourth and W. H. McCrea, member of the house of representatives, are mentioned for city attorney. Neither has an active boom at work, but both are popular inside the

## READY TO THROW DIRT

Western Pacific Contractors Outfitting in Salt Lake and Will Soon Move to the Westward.

Western Pacific construction at this end of the line will begin before the end of the week, probably during the latter half. The statement is based on information from contractors who are now making all preparations to begin throwing dirt. Camps are being gotten ready west of Garfield beach.

In this work of preparation the Utah construction company alone is spending hundreds of thousands of dollars, and most of it in Salt Lake. Equipment is being bought in carload lots. Out along the proposed line wells are being bored and water tanks built so that when the construction camps are established they will have everything ready to proceed directly and without halt with the work. The present fair weather is being taken advantage of by the contractors to rush things.

Breaking ground will probably begin just west of Garfield next Thursday or Friday. In the meantime teams and men are being gotten by those who will have charge of station construction.

In view of the fact that the contractors for the Western Pacific will begin work on the Salt Lake end of the line within a few days, and that most of their end will be finished by spring, it becomes of special interest to know the exact route which the grade will follow.

According to profiles supplied the Utah construction company, now being shown by the company to sub-contractors, who are daily going over the line, the route is as follows:

Starting from Garfield, the grade runs west, passing about six miles from Granville. It strikes northward after coming to the southeastern portion of the lake, and runs to the topographical feature known as "Hogback." From there it runs to Low pass, crosses the South desert to the Toano range near the south end of the "X" desert range, crosses the Toano range through Silver Zone pass. From there it goes on across the Steptoe valley, passes the mouth of the Lake pass into Clover valley, and down Clover valley to Wells, on the Southern Pacific.

Among the Democrats.

Among the Democrats the city ticket has already been pretty well agreed upon by unanimous consent. The convention will simply serve to put before the voters nominees who are so generally desired that their selection is assured.

For mayor the present incumbent, Richard Morris, will be named with enthusiasm and without opposition. John S. Critchfield will be named for city clerk. He is not a Republican, but is not entirely without opposition.

Judge C. Deane will not support the nomination again for city attorney, and is earnestly advocating the nomination of William H. Brande, who has made an admirable record as assistant city attorney during the past two years.

Auditor F. B. Black and C. M. Neuhausen will seek to succeed themselves, unless Mr. Black comes to view the position as a selection between Joseph E. Caine and Stephen H. Lynch.

## STOLE A WEEK'S WAGES.

Thomas Smith Held Up and Robbed by Thugs.

Thomas Smith, 25 West Fourth South street, reported to the police shortly before midnight last night that he had been held up and robbed of \$14 by two masked men. According to Smith's story, he had just reached West Temple and Fourth South streets when two masked men accosted him. One held a gun in his hand and ordered him to throw up his hands. The other took his watch, pocketed it, and then took Smith's money. The men then commanded him to put for home. After he stepped into a hotel within a quarter of a block from where he was robbed, the men started north on West Temple street, a lively pace. Smith telephoned to the police. He gave a somewhat meagre description of the robbers, saying that they were about 25 years of age, 5 feet 10 inches tall, and were dressed in the usual workman's clothes, but no trace of the robbers was found.

## RAIDS THE MELON PATCHES

Frank Beer of Forest Dale Must Answer in Court.

Frank Beer of Forest Dale, 18 years of age, was taken into custody yesterday by Deputy Sheriff J. R. Emery for stealing watermelons. It is said that young Beer is the ringleader of a gang who have been making nightly raids in watermelon patches and carrying them off to Forest Dale. Beer is a native of Forest Dale and has been made to catch them, but Beer is the only member of the gang who identifies his best acquaintance. He has been arrested twice before, but was released on his own recognizance. He is now being held in the Forest Dale jail, where he is being interrogated by the police.

## CHOLERA UNDER CONTROL.

Only Three Fresh Cases and One Death Reported.

Berlin, Sept. 16.—The official bulletin issued today announces that three fresh cholera cases and one death from the disease occurred during the twenty-four hours ended at noon today, making the totals 190 cases and sixty-nine deaths.

Breslau, Prussia, Sept. 16.—One fresh case of cholera has occurred in this district.

Marlenwerder, West Prussia, Sept. 16.—Four new cholera cases and one death have been reported in this district.

Diechau, Prussia, Sept. 16.—One new case of cholera and one death have occurred in this district.

Stettin, Prussia, Sept. 16.—A butcher boy died here today, probably of cholera.

## SEASON 1905-1906.

Announces a Complete Preparation for the Fall and Winter Season of 1905-1906.

A large variety of exclusively new effects in Wool and Worsted Fabrics is shown. Black and Blue Tibbets, Unfinished Worsteds, Cheviots, and Fancy Worsteds—a range of patterns and finish large enough to embrace the most approved modes for the season's wear.

Fashion's dictates incline strongly toward the greenish hues this season. I have anticipated the proper colorings, and have prepared in fabrics according to the prevailing modes.

My opening for the season occurs Monday, Sept. 18, without formality or ostentation. I shall be pleased, however, to have you carefully examine the stock at your leisure. As to the fit and style and workmanship, the products of my own supervision have a reputation of being all that can be desired—perfectly tailored in every manner, being different from the products of the higher-priced shops in price only. For this is a popular-priced establishment.

## HURRY AT WEST END.

Western Pacific Contractors Ready to Start Work There.

(Special to The Herald.)  
San Francisco, Sept. 15.—The directors of the Western Pacific Railroad company announce that the work will begin next week on the construction of wharves and ferry slips in Oakland.

One of the directors stated today that it is determined to start work on the western end of its road, and for that purpose it has expended nearly \$60,000 during the past fifteen months. More than 50 teams will be at work on the Beckwith pass section of the road within the next ten days and construction work will start at other points along the proposed route before the end of the month.

The beginning of work on the wharves on the Oakland side will be hastened in order to facilitate handling building material, such as ties and heavy timbers, which will be shipped here by water.

## PERSONAL.

Miss Louise Holt is very ill at her home with an attack of la grippe.

Captain W. H. Tobias, assistant inspector of target practice, and Captain O. H. Hanning, have returned from the national rifle shoot at Sea Girt, N. J.

## What Sulphur Does

For the Human Body in Health and Disease.

The mention of sulphur will recall to many minds the large quantity of sulphur which mothers and grandmothers gave us our daily dose of sulphur and molasses every spring and fall. It was the universal spring and fall "blood purifier," tonic and cure-all, and this old-fashioned remedy was not without merit.

The idea was good, but the remedy was crude and the large quantity of sulphur had to be taken to get any effect. Nowadays we get all the beneficial effects of sulphur in a palatable, concentrated form, so that a single grain is far more effective than a tablespoonful of the crude sulphur.

In recent years, research and experiment have proven that the best sulphur for medicinal use is that obtained from Calcium (Calcium Sulphide) and sold in the form of Stuart's Calcium Wafers. They are small chocolate coated pellets and contain the actual medicinal principle of sulphur in a highly concentrated, effective form.

Few people are aware of the value of sulphur in restoring and maintaining bodily vigor and health; sulphur acts directly on the liver, and excretory organs purifies and enriches the blood by the prompt elimination of waste material.

Our grandmothers knew this when they dosed us with sulphur and molasses every spring and fall, but the crudity and impurity of ordinary flowers of sulphur were often worse than the disease, and the remedy was not safe and reliable.

Which Stuart's Calcium Wafers is a concentrated preparation of sulphur, of which Stuart's Calcium Wafers is liver and kidney troubles and cure constipation and purify the blood in a way that often surprises patient and physician alike.

Dr. R. M. Wilkins, while experimenting with sulphur remedies, soon found that the sulphur from Calcium was superior to any other form. He says: "For liver, kidney and blood troubles, especially when resulting from constipation or malaria, I have been surprised at the results obtained from Stuart's Calcium Wafers. In patients suffering from boils and pimples and even deep-seated carbuncles, I have repeatedly seen them dry up and disappear in four or five days, leaving the skin clear and smooth. Although Stuart's Calcium Wafers is a proprietary article, and sold by druggists, and for that reason tabooed by many physicians, yet I know of nothing so safe and reliable for constipation, liver and kidney troubles and especially in all forms of skin disease as this remedy."

At any rate people who are tired of pills, cathartics and so-called blood "purifiers," will find in Stuart's Calcium Wafers a far faster, more palatable and effective preparation.

## A Distinctive Neatness of Style Is to be Found in Our

"Hatterbury" & "Roycroft" Systems of Clothing

That rare somethingness of style is embodied in these high art tailored garments which makes them the best ready-for-service clothing.

Now let us convince you by trying on one of these garments, which means a valuable asset for you.

See Windows for Latest Fall Styles.

New Fall Hats that Become Every Face.

The Young Men's Store.

SEASON 1905-1906.

M. DANIELS

SALT LAKES' POPULAR PRICED ART TAILOR

Announces a Complete Preparation for the Fall and Winter Season of 1905-1906.

A large variety of exclusively new effects in Wool and Worsted Fabrics is shown. Black and Blue Tibbets, Unfinished Worsteds, Cheviots, and Fancy Worsteds—a range of patterns and finish large enough to embrace the most approved modes for the season's wear.

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NOTE—We have a few uncalled for Garments, which we will sell at a great bargain. Come and see if they fit you.

FIT OR NO SALE HERE.

NOTICE WINDOW DISPLAY.

DANIELS

57 W. Second South.

TEACHERS' MEETING NEW MEN FOR U. OF U.

Four Hundred Listen to Addresses by Rev. E. I. Goshen and Supt. D. H. Christensen.

Time-serving teachers and parochial schools were severely censured by Rev. E. I. Goshen, principal speaker at the general meeting of city teachers in the Lafayette school building yesterday morning. Mr. Goshen said he did not wish to single out any particular sect or creed in his use of the term parochial school, but wished it to apply to all attempts to supplant the American public school system. He urged the teachers to not believe they are the hardest worked persons on earth, although he admitted that many men do not hesitate to pay more for a teacher of blooded horses than for those who have charge of their boys and girls. Clinging to ideals, optimism, and keeping in touch with civic affairs were strongly commended to the teachers.

D. H. Christensen, city superintendent, presided at the meeting, which was attended by about 400 persons. Mr. Christensen welcomed the teachers, particularly those from outside the state. He referred to the large increase in attendance shown this year, and said it is the aim of the board of education to secure the best teaching talent available for the city schools. In closing the meeting, Mr. Christensen urged the maintenance of the City Teachers' association and active cooperation with the Ladies' Literary club in educational work.

Two Instructors Secured From Leading Eastern Universities—Bradford Returns from Portland.

Heavy registration yesterday indicated record attendance at the University of Utah this year. Among the students were many new faces, and there are still a large number of the old ones who are coming back to hear from yet. Registration will be continued Monday. The classes will also meet tomorrow.

Leon Wilson Hartman, who comes from Johns Hopkins university and more recently from Cornell university, will have the assistant professorship in physics this year. G. H. Bradford, a Harvard man, will be instructor in English.

Professor R. H. Bradford, head of the school of mines, will be back from Portland tomorrow. Professor Bradford has had charge of Utah's mineral exhibit at the Lewis and Clark exposition.

Get Jobs in Panama.

A special dispatch from Washington to The Herald says that the following citizens of Salt Lake City have been appointed carpenters on Panama Canal work at 56 cents an hour: Samuel Fish, J. Black, W. C. Hanna, J. A. Martin, C. F. Lindsay, C. J. Beatty, P. Underman, H. Lee, L. C. Byers, W. A. Roa, C. Martin, H. C. Scott, R. Headburg, J. A. Milon, J. S. Mead, E. J. Johnson, J. F. Patton.

Genuine Carter's Little Liver Pills Must Bear Signature of

SEE FACSIMILE WRAPPER BELOW.

Very small and as easy to take as sugar.

CARTERS' LITTLE LIVER PILLS.

FOR HEADACHE. FOR DIZZINESS. FOR BILIOUSNESS. FOR TORPID LIVER. FOR CONSTIPATION. FOR SLOW SKIN. FOR THE COMPLEXION.

Price 25 Cents. Purely Vegetable. No Opium.

Boys Get a Wrong Start.

Hyrum Bateman and James Buck Charged With Horse Stealing.

Hyrum Bateman and James Buck, about 14 years of age, were arrested at Murray yesterday morning by Deputy Sheriff Ira Beckstead on the charge of horse stealing. The boys left their homes in Murray a few days ago for Scottsbluff, where they intended to go to work. When they returned they brought with them a couple of horses which it was afterwards learned had been stolen from a pasture in Tucker, Utah county. During the three days the lads were making their trip home they slept in their saddle blankets out in the open. They were brought yesterday to the county jail, where they will be arraigned tomorrow.